

Date: 1/26/22
Name of preparer: Sean Amodt
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Reason for change: • To simplify definitions. • Remove regulations in definitions. • Add new definitions to better fit the use of the terms
Current: 2.12 - DEFINITIONS Liability Insurance, General. General liability insurance is insurance coverage that can; protect an individual or business from a variety of claims such as personal injury, property damage, and other claims that can arise. General liability insurance has two components always included together: bodily injury and property damage Additional Information. As a municipality, Virgin Town may require certain businesses to obtain liability insurance as a safeguard against litigious claims that could involve the town. The nature and scope of the business are the deciding factors, and this is addressed in the Business License application process, and Conditional Use Permit process. The requirement of insurance must be applied equally for like businesses and the limits of the said insurance cannot be outside of the standard required by other like businesses either in Virgin Town or in surrounding communities. The requirement of liability insurance cannot be used or manipulated to be a restrictive or prohibitive means of stopping a business from establishing itself in Virgin Town.
Proposed: 2.12 - DEFINITIONS Liability Insurance, General (General Liability Insurance). ~~General liability insurance is~~ insurance coverage that can protect an individual or business from a variety of claims such as personal injury, property damage, and other claims that can arise. ~~General liability insurance has two components always included together: bodily injury and property damage~~ (The additional information will be moved to the conditional use section of VULU to cover all businesses that would be required to have this insurance by CUP.) <u>16.16 GENERAL CUP REVIEW CRITERIA</u> An applicant for a CUP (both Level 1 CUPs and Level 2 CUPs) must demonstrate: O. Adequate General Liability insurance coverage as necessary (This is being added to the end of the existing list.)

16.18 GENERAL STANDARDS FOR CONDITIONAL USES

A. STANDARD: THE SAFETY OF PEOPLE AND/OR PROPERTY. Conditions:

1. Traffic control:
 1. minimizing the traffic flow
 2. directing the traffic flow
 3. limiting the types of vehicles
2. Requiring fencing or other types of protection
3. Requiring additional setbacks or land area
4. lighting for safety
5. General Liability Insurance coverage

16.19 GENERAL LIABILITY INSURANCE COVERAGE

Virgin Town may require certain businesses to obtain liability insurance as a safeguard against litigious claims that could involve the Town. The nature and scope of the business are the deciding factors, and this is addressed during the Business License application process, and Conditional Use Permit process.

- A. The requirement of insurance must be applied equally for like businesses and the limits of the said insurance cannot be outside of the standard required by other like businesses either in Virgin Town or in surrounding communities.
- B. The requirement of liability insurance cannot be used or manipulated to be a restrictive or prohibitive means of stopping a business from establishing itself in Virgin Town.

VIRGIN TOWN

ORDINANCE # 2022-04

AN ORDINANCE AMENDING CHAPTER TWO OF THE VIRGIN UNIFORM LAND USE ORDINANCES (“VULU”).

RECITALS

WHEREAS, - Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin is the “Town Council with recommendation by the Planning and Zoning Commission” ; and

WHEREAS, the Virgin Land Use Authority finds that the existing Virgin Town Code (VULU) Chapter Two, and the various sub sections found within, require updating to meet the changing needs of the town; and

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the towns desire to provide clarity and continuity within VULU; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on _____, 2022, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on _____, 2022;

NOW, THEREFORE BE IT ORDAINED by the Land Use Authority of Virgin, Utah that, in order to provide for the health, safety and general welfare of the citizens of Virgin, Utah, the VULU Ordinance is hereby amended to incorporate the following changes:

ORDINANCE

NOW THEREFORE be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council:

2.12 – DEFINITIONS (Clean copy)

Liability Insurance, General (General Liability Insurance). Insurance coverage that can protect an individual or business from a variety of claims such as personal injury, property damage, and other claims that can arise.

(The additional information will be moved to the conditional use section of VULU to cover all businesses that would be required to have this insurance by CUP.)

16.16 GENERAL CUP REVIEW CRITERIA

An applicant for a CUP (both Level 1 CUPs and Level 2 CUPs) must demonstrate:

O. Adequate General Liability insurance coverage as necessary

16.18 GENERAL STANDARDS FOR CONDITIONAL USES

A. STANDARD: THE SAFETY OF PEOPLE AND/OR PROPERTY. Conditions:

1. Traffic control:

1. minimizing the traffic flow
2. directing the traffic flow
3. limiting the types of vehicles
2. Requiring fencing or other types of protection
3. Requiring additional setbacks or land area
4. lighting for safety
5. **General Liability Insurance coverage**

16.19 GENERAL LIABILITY INSURANCE COVERAGE

Virgin Town may require certain businesses to obtain liability insurance as a safeguard against litigious claims that could involve the Town. The nature and scope of the business are the deciding factors, and this is addressed **during** the Business License application process, and Conditional Use Permit process.

- A. The requirement of insurance must be applied equally for like businesses and the limits of the said insurance cannot be outside of the standard required by other like businesses either in Virgin Town or in surrounding communities.
- B. The requirement of liability insurance cannot be used or manipulated to be a restrictive or prohibitive means of stopping a business from establishing itself in Virgin Town.

1. Severability. If any section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
2. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
3. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL ORDINANCE NUMBER _____ will become effective on this _____ day of _____ month, 2022, based upon the following vote:

Council Member:

Gene Garate	AYE___	NAE___
LeRoy Thompson	AYE___	NAE___
Mistie Baird	AYE___	NAE___
Paul Luwe	AYE___	NAE___
Jean Krause, Mayor	AYE___	NAE___

VIRGIN TOWN

a Utah municipal corporation

Jean Krause, Mayor

ATTEST:

Krystal Percival, Town Clerk

REQUEST FOR VIRGIN TOWN COUNCIL ACTION

To: Mayor and City Council
From: Planning and Zoning
Date:
Subject:
Citizen comments summary:
Recommendation:
Background and Findings:
Fiscal Impact:
Supporting Documents:
This request prepared by:
This request prepared on: